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			EXAMINER MEINECKE DIAZ, SUSANNA M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,227

Applicant(s)

HELZERMAN, THOMAS HENRY

Examiner

Susanna M. Diaz

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Nllw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004 and 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 13, 2004 (after-final amendment) has been entered.

Claims 1, 3, 21, 23, and 29 have been amended.

Claim 34 has been added.

Claims 1-6 and 21-34 are pending.

2. The previously pending claim objection is withdrawn in response to Applicant's amendment of claim 29.

The previously pending rejection under 35 U.S.C. § 112, 2nd paragraph is withdrawn in response to Applicant's amendment of claim 23.

Response to Arguments

3. Applicant's arguments filed February 13, 2004 have been fully considered but they are not persuasive.

Applicant's arguments are directed toward the claims as amended. These arguments are addressed in more detail in the revised art rejections below.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites that awards “may be selected.” The term “may be” is vague and indefinite since it is not clear whether or not the awards are actually selected. The claimed invention should be positively recited.

Claims 4-6 are dependent from claim 3 and therefore inherit the same rejection under 35 U.S.C. § 112, 2nd paragraph.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ford Motor Company's Best Practice Replication (BPR) Process (which has been in existence since 1996), as disclosed in the following references:

"FGTI - Best Practice Replication Process (BPR) Web Site" (retrieved from <http://www.fordbetterideas.com/tc/main/featuredtech/best.htm> on August 22, 2003; states that "development is complete and implementation at Ford Motor Company began in 1996, page 2);

Anthes, "Defending Knowledge" (published February 16, 1998);

Anthes, "Learning How to Share" (published February 23, 1998);

"Ford Connecting to Consumers Via E-Business" (published September 15, 1999; states that the BPR program has been in effect since 1996, ¶ 23);

Dixon, "The Changing Face of Knowledge" (published 1999; describes Ford's Best Practice Replication system, which has been in existence since 1996);

Ford Motor Company's "Best Practice Replication Manual" (copyright 2002; however, Applicant supplied this reference and stated that "the manual remains substantially unchanged since its original development in 1996" on page 17 of the after-final amendment filed on February 13, 2004).

BPR discloses a method for developing and performing a manufacturing project comprising the steps of:

[Claim 21] providing a communication mechanism for a plurality of users associated with the manufacturing project to efficiently communicate with each other ("Learning How to Share": ¶ 41);

providing a plurality of concept proposals, wherein each of the concept proposals formed initially from a non-implemented preliminary concept used to develop at least

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one of a manufacturing technology, a process and methodology ("Learning How to Share": ¶ 41; "Ford Connecting to Consumers Via E-Business": ¶ 23 -- At each potential replication site, the concept proposal has not yet been implemented and is therefore viewed as a non-implemented preliminary concept at each of the potential replication sites);

providing a plurality of electronic concept proposal worksheets files, wherein each of the plurality of electronic concept worksheet proposal files defines a selected concept proposal ("Learning How to Share": ¶ 41 -- Since practice descriptions are entered via Ford's intranet Web site by various employers and the information is stored in an Oracle Corporation database, it is understood that the practice data is being entered into the equivalent of an electronic concept worksheet proposal file);

selectively communicating the plurality of electronic concept worksheet proposal files to a plurality of users of the communication mechanism ("Learning How to Share": ¶ 41);

modifying the electronic concept worksheet proposal files ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate part of the company);

entering the modified electronic concept worksheet proposal files into a proposal database ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate part of the company);

using the proposal database to generate at least one complete project proposal ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate parts of the company); and implementing multiple applications of said technology in manufacturing operations by performing the substeps of

identifying a plurality of replication sites ("Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10),

developing a replication plan using the identified replication sites ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan),

developing a generic non-site specific workplan ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then

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makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan), and

revising the generic non-site specific workplan to include unique requirements for each replication site ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan);

prioritizing replication sites in accordance with a confirmed replication plan ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan); and

performing a replication procedure in accordance with a confirmed replication plan ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan).

8. Claim 21 is rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. As discussed above, claim 21 is anticipated by Ford Motor Company's Best Practice Replication (BPR) Process (which has been in existence since 1996), as disclosed in the following references:

"FGTI - Best Practice Replication Process (BPR) Web Site" (retrieved from <http://www.fordbetterideas.com/tc/main/featuredtech/best.htm> on August 22, 2003; states that "development is complete and implementation at Ford Motor Company began in 1996, page 2);

Anthes, "Defending Knowledge" (published February 16, 1998);

Anthes, "Learning How to Share" (published February 23, 1998);

"Ford Connecting to Consumers Via E-Business" (published September 15, 1999; states that the BPR program has been in effect since 1996, ¶ 23);

Dixon, "The Changing Face of Knowledge" (published 1999; describes Ford's Best Practice Replication system, which has been in existence since 1996);

Ford Motor Company's "Best Practice Replication Manual" (copyright 2002; however, Applicant supplied this reference and stated that "the manual remains substantially unchanged since its original development in 1996" on page 17 of the after-final amendment filed on February 13, 2004).

Ford Motor Company is the assignee of the present invention. Furthermore, the article, "Learning How to Share," states that "Ford recently licensed its BPR methodology to a major supplier" (¶ 43), thereby raising both an issue of public use and on-sale bar.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-6 and 22-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford Motor Company's Best Practice Replication (BPR) Process (which has been in existence since 1996), as disclosed in the following references:

"FGTI - Best Practice Replication Process (BPR) Web Site" (retrieved from <http://www.fordbetterideas.com/tc/main/featuredtech/best.htm> on August 22, 2003;

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states that "development is complete and implementation at Ford Motor Company began in 1996, page 2);

Anthes, "Defending Knowledge" (published February 16, 1998);

Anthes, "Learning How to Share" (published February 23, 1998);

"Ford Connecting to Consumers Via E-Business" (published September 15, 1999; states that the BPR program has been in effect since 1996, ¶ 23);

Dixon, "The Changing Face of Knowledge" (published 1999; describes Ford's Best Practice Replication system, which has been in existence since 1996);

Ford Motor Company's "Best Practice Replication Manual" (copyright 2002; however, Applicant supplied this reference and stated that "the manual remains substantially unchanged since its original development in 1996" on page 17 of the after-final amendment filed on February 13, 2004), as applied to claim 21 (for claims 22-27) above.

BPR discloses a method for developing and performing a manufacturing project comprising the steps of:

[Claim 1] providing a communication mechanism for a plurality of users associated with the manufacturing project to efficiently communicate with each other ("Learning How to Share": ¶ 41);

providing a plurality of electronic concept proposal worksheets files, wherein each of the plurality of electronic concept worksheet proposal files defines a selected concept proposal, and wherein each of the concept proposals formed initially from a

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non-implemented preliminary concept used to develop at least one of a manufacturing technology, a process and methodology ("Learning How to Share": ¶ 41 -- Since practice descriptions are entered via Ford's intranet Web site by various employers and the information is stored in an Oracle Corporation database, it is understood that the practice data is being entered into the equivalent of an electronic concept worksheet proposal file; "Ford Connecting to Consumers Via E-Business": ¶ 23 -- At each potential replication site, the concept proposal has not yet been implemented and is therefore viewed as a non-implemented preliminary concept at each of the potential replication sites);

selectively communicating the plurality of electronic concept worksheet proposal files to a plurality of users of the communication mechanism ("Learning How to Share": ¶ 41);

modifying the electronic concept worksheet proposal files ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate part of the company);

entering the modified electronic concept worksheet proposal files into a proposal database ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate part of the company);

using the proposal database to generate at least one complete project proposal ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate parts of the company);

developing a replication plan wherein the replication plan comprises the substeps of

identifying a plurality of replication sites ("Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10),

developing a replication plan using the identified replication sites ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan),

developing a generic non-site specific workplan ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan), and

revising the generic non-site specific workplan to include unique requirements for each replication site ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan);

prioritizing replication sites in accordance with a confirmed replication plan ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan); and

performing a replication procedure in accordance with a confirmed replication plan ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is

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created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan);

[Claim 2] assembling a workforce for performing said project ("FGTI - Best Practice Replication Process (BPR) Web Site": Page 1 -- BPR includes "Implementation Guidelines - A project management template used to govern the implementation of the process to each new community of practice at Ford. This guideline includes seven major tasks, 63 sub-tasks, timelines, and roles, which are completed prior to fully launching internal business partners");

[Claim 3] providing orientation and communication processes for said workforce ("FGTI - Best Practice Replication Process (BPR) Web Site": Page 1 -- Training is provided to the employees regarding use of the Best Practice Replication Process and implementation of the best practices);

providing career development and training processes for said workforce ("FGTI - Best Practice Replication Process (BPR) Web Site": Page 1 -- Training is provided to the employees regarding use of the Best Practice Replication Process and implementation of the best practices);

[Claim 4] performing a procedure to establish logistic metrics pertaining to project performance and budgeting ("Best Practice Replication Manual": Pages 6-9 through 6-10);

[Claim 5] forming manufacturing technology committees ("Best Practice Replication Manual": Pages 2-1 through 2-7); and

convening said committees on a regular basis to define effective strategies to advance global manufacturing competitiveness ("Best Practice Replication Manual": Pages 2-1 through 2-7 -- It is suggested that the committees meet twice a year);

[Claim 6] wherein said project is related to the manufacture of an automotive vehicle ("The Changing Face of Knowledge": ¶ 9).

Regarding claim 1, while the concept of assessing the feasibility of a technology to manufacture a desired product is deemed to be inherent to Ford's Best Practice Replication Process, BPR fails to explicitly provide specific details of how such a feasibility is assessed. More specifically, BPR fails to explicitly teach the following steps:

performing a manufacturing concept ready procedure, effective to verify that said certain technology is capable of manufacturing said desired product under simulated conditions;

performing a manufacturing implementation procedure, effective to verify that said certain technology is functionally sound and meets certain quality and cost criteria; and

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performing a replication procedure, effective to implement multiple applications of said certain technology within other manufacturing processes.

Nevertheless, Official Notice is taken that the simulation of a manufacturing process is old and well-known in the art of simulation. Simulations are well-known in the art as being useful for verifying the likely outcome and success or failure of a process before investing extensive amounts of money to physically perform a process that may or may not yield the otherwise expected results. Furthermore, by using simulations to test the feasibility of a technology, one is indeed evaluating the functional soundness of the technology for the manufacturing task at hand. As discussed above, BPR teaches the importance of sharing knowledge throughout a company for the purposes of replicating successful and feasible practices; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate the steps of performing a manufacturing concept ready procedure, effective to verify that said certain technology is capable of manufacturing said desired product under simulated conditions and performing a manufacturing implementation procedure, effective to verify that said certain technology is functionally sound and meets certain quality and cost criteria as part of Ford's Best Practice Replication Process in order to assist in verifying the likely outcome and success or failure of a manufacturing project before investing extensive amounts of money to physically perform a project that may or may not yield the otherwise expected results.

As per claim 3, BPR does not expressly teach the step of providing reward and recognition processes for said workforce; however, Official Notice is taken that it is old and well-known in the art to provide reward and recognitions processes for a workforce. This practice encourages employees to be more productive and effective in meeting company goals. As a matter of fact, "The Changing Face of Knowledge" explains how Ford Motor Company keeps track of which plants are contributing suggested practice details (§ 10). More pressure is placed on plants with fewer suggestions to contribute some more suggested practices. The recited awards that recognize technical and non-technical contributions by the team, wherein said awards may be selected from at least one of technology awards, technical achievement awards, operational excellence awards, and patent inventive awards are merely old and well-known types of awards presented in industry. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of providing reward and recognition processes for said workforce with Ford's Best Practice Replication (BPR) Process (such as awards that recognize technical and non-technical contributions by the team, wherein said awards may be selected from at least one of technology awards, technical achievement awards, operational excellence awards, and patent inventive awards) in order to encourage employees to be more productive and effective in meeting company goals, such as submitting and implementing (i.e., replicating) identified best practices.

As per claim 28, BPR teaches the steps of recommending the sequence of replicating within the identified replication sites and establishing an issues deck to

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document new data that would be useful for replication planning ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan); however, BPR does not expressly teach the step of describing unique local requirements for each identified replication site. Official Notice is taken that it is old and well-known in the art to take unique local requirements into account when considering implementation of a replication site. Such a practice is necessary to ensure that all proposed facilities remain in conformance with local laws and requirements. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the step of describing unique local requirements for each identified replication site in order to ensure that all proposed facilities remain in conformance with local laws and requirements.

As per claim 29, BPR teaches the development of a replication plan using identified sites (as discussed above); however, BPR does not expressly disclose the steps of establishing a replication team consisting of key technology developers and representatives from each of the replication sites, reviewing pilot application with

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potential replication customers, estimating human resources and skills required to replicate technology, developing directional estimates of other resources required for replication, and agreeing on roles and responsibilities between operations and manufacturing departments including project closure requirements. Official Notice is taken that it is old and well-known in the art to perform the steps of claim 29 when carrying out a project, such as replicating a practice in another plant/facility. These practices help to ensure that various teams of employees understand their roles in working toward a common goal, thereby helping to more efficiently implement a proposed and agreed-upon replication plan. Furthermore, each replication project is different and therefore likely has different required roles and responsibilities. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of establishing a replication team consisting of key technology developers and representatives from each of the replication sites, said replication team being led by an appropriate operating activity within an advanced manufacturing development (AMTD) department, wherein a plurality of AMTD department's roles and responsibilities are defined on a case by case basis, reviewing pilot application with potential replication customers, estimating human resources and skills required to replicate technology, developing directional estimates of other resources required for replication, and agreeing on roles and responsibilities between operations and manufacturing departments including project closure requirements in order to help ensure that various teams of employees understand their

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roles in working toward a common goal, thereby helping to more efficiently implement a proposed and agreed-upon replication plan.

As per claim 30, BPR teaches the confirmation of a replication plan (as discussed above) and calculation of a TARR ("Best Practice Replication Manual": Page 6-9); however, BPR does not expressly disclose the steps of confirming a business case, conditions and economic constraints, comparing the TARR to the manufacturer's TARR requirements, confirming effect of local requirements at each proposed replication site, identifying any economic constraints, estimating the effects of identified economic constraints upon the proposed replication plan, and summarizing the business case in terms of investment and total expected savings by a cost labor category and a materials category. Official Notice is taken that it is old and well-known in the art to carry out the steps of claim 30 with various types of proposed projects in order to determine the feasibility of implementing the proposed projects in light of a business' available resources and limitations. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of confirming a business case, conditions and economic constraints, comparing the TARR to the manufacturer's TARR requirements, confirming effect of local requirements at each proposed replication site, identifying any economic constraints, estimating the effects of identified economic constraints upon the proposed replication plan, and summarizing the business case in terms of investment and total expected savings by a cost labor category and a materials

category in order to determine the feasibility of implementing the proposed projects in light of a business' available resources and limitations.

As per claim 31, BPR teaches the step of prioritizing replication sites in accordance with a confirmed replication plan (as discussed above); however, BPR fails to expressly teach the step of developing a prioritized listing of replication sites using business conditions, cycle plans, and available vendor resources. Official Notice is taken that it is old and well-known in the art to consider business conditions, cycle plans, and available vendor resources when planning to replicate a business practice at a proposed facility in order to determine the feasibility of implementing such a business practice at the proposed facility. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the step of developing a prioritized listing of replication sites using business conditions, cycle plans, and available vendor resources in order to determine the feasibility of implementing such a business practice at the proposed replication site.

As per claim 32, BPR teaches the step of modifying the electronic concept worksheet proposal files (as discussed above); however, BPR fails to expressly teach the steps of finalizing project workplan information and refining estimate information for required resources and project benefits. Official Notice is taken that it is old and well-known in the art to perform the steps of finalizing project workplan information and refining estimate information for required resources and project benefits as part of planning a project in order to accurately assess a company's ability to fund and implement a proposed project. Therefore, the Examiner asserts that it would have been

obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of finalizing project workplan information and refining estimate information for required resources and project benefits in order to accurately assess a company's ability to fund and implement a proposed project.

As per claim 33, BPR teaches the step of using the proposal database to generate at least one complete project proposal (as discussed above); however, BPR does not expressly teach the steps of submitting the modified electronic concept worksheet proposal files to an activity coordinator and comparing the modified electronic concept worksheet proposal files with timing rules, guidelines, and standards to ensure that the modified electronic concept worksheet proposal files meet associated timing rules, guidelines, and standards. Official Notice is taken that it is old and well-known in the art to perform the steps of submitting a concept proposal to an activity coordinator and comparing the proposal with timing rules, guidelines, and standards in order to ensure that the proposal is feasible and conforms to applicable laws and regulations. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of submitting the modified electronic concept worksheet proposal files to an activity coordinator and comparing the modified electronic concept worksheet proposal files with timing rules, guidelines, and standards in order to ensure that the proposal is feasible and conforms to applicable laws and regulations.

As per claim 34, BPR does not expressly teach the determination of failure modes and corresponding safeguards and responsive procedures; however, Official

Notice is taken that it is old and well-known in the art of project management to perform failure analysis in order to better protect against the actual occurrence of failure by implementing mitigating safeguards and responsive procedures. For example, in a manufacturing environment in which potentially dangerous chemicals are involved, organizations such as OSHA would likely require that the manufacturer implement proper clean-up safeguards and procedures if a chemical spill were to occur.

Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the steps of claim 34 with BPR in order to increase the likelihood that proper safety requirements will be maintained and effectively enacted as needed for the health of the workers in the particular BPR environment.

Regarding claims 22-26, BPR is directed toward implementing a project associated with a replication plan; however, BPR does not expressly teach the steps of performing a milestone review meeting to insure that certain project issues have been accomplished after each step, wherein a review of technology includes identifying a best in class technology and a state-of-the-art technology; convening committees on a regular basis to assess best in class technologies and state-of-the-art technologies; establishing logistic metrics relating to project performance and budgeting by manufacturing wants; and conducting time and data management meetings. Official Notice is taken that it is old and well-known in the art to perform these steps when planning a project in order to determine the most effective and feasible means of implementing a project. Therefore, the Examiner asserts that it would have been

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obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of performing a milestone review meeting to insure that certain project issues have been accomplished after each step, wherein a review of technology includes identifying a best in class technology and a state-of-the-art technology; convening committees on a regular basis to assess best in class technologies and state-of-the-art technologies; establishing logistic metrics relating to project performance and budgeting by manufacturing wants; and conducting time and data management meetings in order to determine the most effective and feasible means of implementing a project.

[Claim 27] BPR teaches that said manufacturing project relates to the production of an automotive vehicle ("The Changing Face of Knowledge": ¶ 9).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

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Any response to this action should be mailed to:


**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.


Susanna M. Diaz
Primary Examiner
Art Unit 3623
May 30, 2004